

the liability of persons, receivers and corporations operating railroads or street railways for injuries to their servants and employes, to define who are fellow-servants, and to prohibit contracts between employer and employe based upon the contingency of the injury or death of the employe, limiting the liability of the employer for damages,"

And find the same correctly enrolled, and have this day, at 3:30 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, June 17, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 24, a bill to be entitled "An act to make an appropriation for moving and repairing two frame buildings at the Prairie View Normal School, and for building a boiler house at the Agricultural and Mechanical College."

And find the same correctly engrossed.

BOREN, Acting Chairman.

On motion of Senator Lewis,

Senate bill No. 16, a bill to be entitled "An act to fix the venue and regulate proceedings in prosecutions for rape; define and punish murder by mob violence; provide for the suspension and removal of sheriffs, deputy sheriffs, constables, chiefs of police, city marshals and other officers who permit it; and fix the venue and regulate proceedings in such cases,"

Was made special order for to-morrow after call.

On motion of Senator Stafford,

Senator Neal was excused for to-day, on account of sickness.

On motion of Senator Stafford,

Senator Dibrell was excused for non-attendance on last Monday, Tuesday and Wednesday, on account of sickness.

On motion of Senator Yantis,

Senator Gough was excused for to-day and to-morrow, on account of sickness in his family.

Senator Colquitt sent up a report for himself, giving his conclusions as to the result of the labors of the special committee of five appointed to investigate the facts relative to the missing amendment to Senate bill No. 258 (text-book bill), and stated that

other members of the committee would make reports.

Senator Atlee made the point of order that the report was neither a minority nor majority report, and hence out of order.

Sustained.

After discussion,

Senator Beall moved that the reports be read as sent up, and that when all were submitted they be printed in the Journal.

So ordered.

The report of Senator Colquitt was then read and placed in the hands of the Secretary until the other reports were submitted.

On motion of Senator Linn of Wharton, the Senate adjourned to 10 a. m. to-morrow.

TWENTY-SECOND DAY.

Senate Chamber,

Austin, Tex., Friday, June 18.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Bailey.	Neal.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Dibrell.	Tillett.
Goss.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn, Victoria.	Yett.
Linn, Wharton.	

Absent.

Harrison.

Excused.

Boren.

Stone.

Gough.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: Hear our prayer for our State: Bless the farmer, the stockman and the mechanic; bless the lawyers, the doctors and the teachers; bless the merchant, the banker and the minister, and all other toilers; bless the voters, the politician, and the various servants of public trust. Give all clear convictions of duty, integrity of character and consecration to every

obligation assumed. Save us from all narrowness of mind, depravity of heart, and selfishness of life. Help us to dedicate ourselves to humanity in the name of Christ, and may our association with the world be as pure, as uplifting and as reforming as that of His. Delegate us as special messengers to every needy and distressed condition of society, and may each in his small sphere be a little Christ. Forgive our sins, and direct us to-day, we pray in the name of Jesus. Amen.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

On motion of Senator Stafford,

Postmaster of the Senate T. H. Napier was excused for to-day and to-morrow, on account of the serious sickness of his father.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, June 18, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 23, a bill to be entitled "An act to regulate and limit the expenditure of State, county and local public school funds, and to regulate treasurers' reports thereof,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, June 18, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 20, a bill to be entitled "An act to amend article 3964 of the Revised Civil Statutes of Texas, adopted A. D. 1895, providing for the manner of taking the scholastic census, and repealing articles 3965, 3966, 3967, 3968, 3969, 3970 and 3971, of the Revised Civil Statutes of Texas,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, June 18, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills, have carefully examined and compared

Substitute Senate bill No. 2, a bill

to be entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1897, and ending February 28, 1899, and for other purposes,"

And find the same correctly enrolled, and have this day, at 11:35 a. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, June 18, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 30, a bill to be entitled "An act to fix the venue and regulate proceedings in prosecutions for rape, define and punish murder by mob violence, provide for the suspension and removal of sheriffs, constables, deputy sheriffs, chiefs of police, city marshals and other officers who knowingly and wilfully permit it; and fix the venue and regulate proceedings in such cases."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

STAFFORD, Chairman.

Call concluded.

Senator Darwin called up his resolution, introduced on yesterday, and moved its adoption, to-wit:

Senate concurrent resolution No. ...

Resolved by the Senate, the House concurring, that the first called session of the Twenty-fifth Legislature of Texas stand adjourned sine die at 11:30 o'clock a. m., June 18, 1897.

Senator Colquitt moved to lay the resolution on the table.

Carried by the following vote:

Yeas—17.

Beall.	Rogers.
Colquitt.	Ross.
Goss.	Stafford.
Greer.	Terrell.
Lewis.	Wayland.
Linn, Wharton.	Woods.
Morriss.	Yantis.
Neal.	Yett.
Presler.	

Nays—9.

Atlee.	Kerr.
Bailey.	Linn, Victoria.
Burns.	Tillett.
Darwin.	Turney.
Dibrell.	

Absent.

Bowser.	Harrison.
Gough.	

Excused.
Boren. Stone.

Senator Colquitt moved to suspend the regular order of business to take up, on second reading,

House bill No. 24, a bill to be entitled "An act to amend article 5049, chapter 1, title 104, of the Revised Civil Statutes of the State of Texas, relating to general occupation taxes."

Senator Bailey moved as a substitute that consideration of the bill be postponed to 3 p. m. to-day.

Carried.

Senator Greer moved to reconsider the vote by which the substitute motion was adopted.

Senator Bailey moved to table the motion to reconsider.

Lost by the following vote:

Yeas—8.

Bailey.	Morriss.
Bowser.	Presler.
Darwin.	Rogers.
Linn of Wharton.	Yett.

Nays—17.

Atlee.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Dibrell.	Tillett.
Goss.	Turney.
Greer.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yantis.
Neal.	

Absent.

Beall.	Harrison.
Gough.	Kerr.

Excused.

Boren. Stone.

The motion to reconsider then prevailed.

(Senator Atlee in the chair.)

The motion to postpone was then lost by the following vote:

Yeas—5.

Bailey.	Linn of Victoria.
Bowser.	Morriss.
Darwin.	

Nays—20.

Atlee.	Rogers.
Beall.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Dibrell.	Tillett.
Greer.	Turney.
Lewis.	Wayland.
Linn of Wharton.	Woods.
Neal.	Yantis.
Presler.	Yett.

Absent.

Goss.	Harrison.
Gough.	Kerr.

Excused.
Boren. Stone.

The motion to suspend the regular order of business to take up House bill No. 24 (see above) then prevailed by the following vote:

Yeas—25.

Atlee.	Neal.
Beall.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Terrell.
Goss.	Tillett.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn, Victoria.	Yantis.
Linn, Wharton.	Yett.
Morriss.	

Nays—2.

Bailey.	Bowser.
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Absent.

Gough.	Harrison.
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Excused.

Boren. Stone.

Bill read second time.

On motion of Senator Colquitt, the bill was considered by sections (subdivisions).

Subdivision 1, read.

Subdivision 2, read.

By Senator Bowser:

Strike out "one" in line 9, page 3, and insert "three."

Lost.

Subdivision 3, read.

By Senator Goss:

Amend by striking out, in line 21, page 3, the words "and seventy-five."

Adopted.

Subdivision 4, read.

By Senator Bailey:

Strike out "one hundred dollars" in line 25, subdivision 4, and insert in lieu thereof "ten dollars;" strike out "fifty" in line 26 and insert "ten."

Adopted by the following vote:

Yeas—20.

Atlee.	Lewis.
Bailey.	Linn, Wharton.
Beall.	Morriss.
Burns.	Neal.
Colquitt.	Presler.
Darwin.	Rogers.
Dibrell.	Ross.
Goss.	Stafford.
Greer.	Woods.
Kerr.	Yantis.

Nays—6.

Linn, Victoria.	Turney.
Terrell.	Wayland.
Tillett.	Yett.

Present, not voting.
Bowser.

Absent.
Harrison.

Excused.
Boren. Stone.
Gough.

Pending further consideration,
Senator Stafford moved that House bill No. 25 (see caption above) be withdrawn from Judiciary Committee No. 1 and be referred to Judiciary Committee No. 2.

Carried by the following vote:

Yeas—12.

Bailey.	Linn of Victoria.
Beall.	Morriss.
Bowser.	Neal.
Burns.	Ross.
Colquitt.	Tillett.
Darwin.	Turney.
Dibrell.	Wayland.
Goss.	Woods.
Greer.	Yett.
Kerr.	

Nays—4.

Linn of Wharton.	Rogers.
Presler.	Yantis.

Present, not voting.
Atlee. Stafford.
Lewis.

Absent.
Harrison. Terrell.

Excused.
Boren. Stone.
Gough.

The bill was referred to Judiciary Committee No. 2.

(Lieutenant Governor Jester in the chair.)

Resuming consideration of pending business,

Subdivision 5, read.

By Senator Lewis:

Amend subdivision 5, page 3, line 32, by striking out all after the words "an annual tax of," and insert in lieu thereof "fifty dollars."

Senator Colquitt moved to table the amendment.

Lost by the following vote:

Yeas—7.

Atlee.	Woods.
Colquitt.	Yantis.
Morriss.	Yett.
Wayland.	

Nays—15.

Bailey.	Goss.
Beall.	Kerr.
Bowser.	Lewis.
Burns.	Linn of Wharton.
Dibrell.	Rogers.

Ross.	Tillett.
Stafford.	Turney.
Terrell.	

Present, not voting.
Darwin.

Absent.
Greer. Neal.
Harrison. Presler.
Linn of Victoria.

Excused.
Boren. Stone.
Gough.

The amendment was then adopted by the following vote:

Yeas—17.

Atlee.	Linn, Wharton.
Beall.	Morriss.
Bowser.	Presler.
Burns.	Rogers.
Dibrell.	Ross.
Goss.	Tillett.
Kerr.	Turney.
Lewis.	Yett.
Linn, Victoria.	

Nays—5.

Colquitt.	Woods.
Neal.	Yantis.
Terrell.	

Present, not voting.
Darwin.

Absent.
Bailey. Stafford.
Greer. Wayland.
Harrison.

Excused.
Boren. Stone.
Gough.

Pending further action,

The following House message was received:

Hall House of Representatives,
Austin, Texas, June 18, 1897.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 25, a bill to be entitled "An act to amend chapter 10, of title 94, of the Revised Civil Statutes of the State of Texas, by adding thereto article 4521a, prohibiting the use of the gate system upon railroad trains in the State of Texas, providing a penalty therefor, and declaring said gate system to be a public nuisance."

House bill No. 23, a bill to be entitled "An act to amend article 1011, chapter 15, title 27, of the Revised Civil Statutes of the State of Texas, relating to the fees and compensation

of the clerks of the Courts of Civil Appeals, and to provide a penalty for the violation of this act,"

With amendment.

Senate bill No. 21, a bill to be entitled "An act to fix the venue and regulate the proceedings in prosecutions for rape."

House bill No. 30, a bill to be entitled "An act to fix the venue and regulate proceedings in prosecutions for murder by mob violence, to define and punish murder by mob violence, provide for the suspension and removal of sheriffs, constables, deputy sheriffs, chiefs of police, city marshals and other officers who knowingly and willfully permit it; and fix the venue and regulate proceedings in such cases."

Senate bill No. 15, a bill to be entitled "An act to amend article 3051, chapter 2, of title LVIII, of the Revised Statutes of the State of Texas, giving the Commissioner of Insurance power to examine into the condition of any insurance company of this State, or any other State, and to revoke the license of such company or companies upon refusal to submit to such examination,"

By the following vote: yeas 96, nays 3.

Senate bill No. 17, a bill to be entitled "An act to amend article 1331, chapter 13, title 30, of the Revised Statutes of Texas of 1895, relating to special verdicts."

By the following vote: yeas 86, nays 14.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

IN SENATE.

The above reported House bills were read first time, and referred as follows:

House bill No. 25, to Judiciary Committee No. 1.

House bill No. 30, to Judiciary Committee No. 2.

House bill No. 23, to the Committee on State Affairs.

Senator Linn of Victoria, a member of the special committee of five appointed to investigate the facts relative to the "missing amendment" to Senate bill No. 258 (text-book bill), sent up his findings, which were read and delivered to the Secretary.

Senators Rogers and Woods, of the same committee, submitted a joint report, which was likewise disposed of.

On motion of Senator Kerr, the Senate adjourned to 3 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Neal.
Boren.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Dibrell.	Tillett.
Goss.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Victoria.	Yett.

Absent.

Gough. Harrison.

Excused.

Stone.

The Chair gave notice of signing, and did sign after its caption had been read,

House bill No. 22, a bill to be entitled "An act to enforce the attendance of witnesses upon courts in counties other than the counties of their residence, and to provide for punishment for disobedience of such subpoenas; and to repeal articles 525, 526, 527, 528, 529, 530, 531, 532, 533 and 534, of the Code of Criminal Procedure of the State of Texas; and to repeal all laws in conflict with this act."

(Senator Terrell in the chair.)

The Chair laid before the Senate, as pending business,

House bill No. 24, a bill to be entitled "An act to amend article 5049, chapter 1, title 104, of the Revised Civil Statutes of the State of Texas, relating to general occupation taxes,"

Subdivisions 6, 7, 8, 9, 10, 11, 12, 13 and 14, read.

By Senator Rogers:

Amend subdivision 14 by striking out the subdivision and substituting as follows: "From every doctor practicing medicine, surgery or veterinary surgery, the sum of \$5 annual tax for each \$1000 of the business done by such doctor; and for the purposes of this act each tax collector shall require a sworn statement of the business done by each doctor in his county; and each person who may treat sick or injured persons, or domestic animals, shall be considered a doctor

in the meaning of this act; and for each dentist an annual tax of \$5."

Senator Bailey moved to lay the amendment on the table.

Carried.

By Senator Rogers:

Amend by striking out subdivision 14, page 5.

Lost.

Subdivision 15, read.

By Senator Stafford:

Amend subdivision 15 by striking out "\$25" and inserting in lieu thereof "\$10."

Adopted.

Subdivision 16, read.

By Senator Dibrell:

Amend subdivision 16, page 5, by substituting "\$25" for "\$100."

Adopted.

Senator Darwin moved to reconsider the vote by which the amendment was adopted.

Lost.

Subdivision 17, read.

By Senator Colquitt:

Amend subdivision 17, on page 5, by striking out the words "bagatelle, pigeon-hole, devil-among-the-tailors, or jenny-lind table, wheel of fortune," where they occur in lines 26 and 27 of said page and subdivision.

Adopted by the following vote:

Yeas—13.

Atlee.	Ross.
Bailey.	Stafford.
Burns.	Turney.
Colquitt.	Wayland.
Lewis.	Woods.
Linn, Victoria.	Yett
Morriss.	

Nays—9.

Boren.	Rogers.
Dibrell.	Terrell.
Goss.	Tillett.
Linn, Wharton.	Yantis.
Presler.	

Absent.

Beall.	Greer.
Bowser.	Harrison.
Darwin.	Kerr.
Gough.	Neal.

Excused.

Stone.

Subdivisions 18 and 19, read.

By Senator Bailey:

Strike out "\$1000" in lines 9 and 10, subdivision 19, and insert "\$100."

Senator Colquitt moved to lay the amendment on the table.

Lost by the following vote:

Yeas—6.

Boren.	Terrell.
Darwin.	Tillett.
Rogers.	Woods.

Nays—17.

Atlee.	Linn, Wharton.
Bailey.	Morriss.
Burns.	Ross.
Colquitt.	Stafford.
Dibrell.	Turney.
Greer.	Wayland.
Kerr.	Yantis.
Lewis.	Yett.
Linn, Victoria.	

Absent.

Beall.	Harrison.
Bowser.	Neal.
Goss.	Presler.
Gough.	

Excused.

Stone.

Senator Burns offered to amend the amendment as follows:

Strike out "\$100" and insert "\$25."

The amendment (Bailey's) was then adopted by the following vote:

Yeas—17.

Atlee.	Linn, Wharton.
Bailey.	Morriss.
Bowser.	Presler.
Burns.	Ross.
Dibrell.	Stafford.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Yantis.
Linn, Victoria.	

Nays—8.

Boren.	Terrell.
Colquitt.	Tillett.
Darwin.	Woods.
Rogers.	Yett.

Absent.

Beall.	Harrison.
Goss.	Neal.
Gough.	

Excused.

Stone.

Subdivision 20, read.

By Senator Stafford:

Amend subdivision 20 by striking out "\$25" and insert "\$15."

Adopted.

Subdivision 21, read.

By Senator Bailey:

Add to subdivision 21 the following: "From every person, firm or corporation that follows the occupation of peddling meats or vegetables in a town or village of 1500 or less, the sum of \$5; in a town of from 1500 to 3000 inhabitants, \$10; in a town of

from 3000 to 10,000 inhabitants, \$25; in towns from 10,000 to 20,000 inhabitants, \$50; in cities or towns of over 20,000 inhabitants, \$100."

Senator Greer moved to lay the amendment on the table.

Carried.

By Senator Dibrell:

Amend section 21, page 7, lines 4, 5 and 6, by striking out the following, "traveling vendors of literature exclusively religious in character, or."

Lost.

By Senator Bailey:

Amend subdivision 21 by adding: "Provided, that all persons, firms or corporations who follow the occupation of peddling meats and vegetables in cities of over 25,000 inhabitants shall be required to pay an annual occupation tax of \$100."

By Senator Atlee:

Amend the amendment: Strike out "\$100" and insert "\$5."

Lost.

By Senator Stafford:

Substitute for the amendment and the amendment thereto: Insert "\$25."

Senator Colquitt made the point of order against the pending amendments and substitute therefor that the same in substance had been voted on before.

Sustained.

(Lieutenant Governor Jester in the chair.)

The Chair gave notice of signing, and did sign, after their captions had been read.

Senate bill No. 21, a bill to be entitled "An act to fix the venue and regulate the proceedings in prosecutions for rape."

Senate bill No. 15, a bill to be entitled "An act to amend article 3051, chapter 2, of title LVIII, of the Revised Statutes of the State of Texas, giving the Commissioner of Insurance power to examine into the condition of any insurance company of this State, or any other State, and to revoke the license of such company or companies upon refusal to submit to such examination."

Senate bill No. 17, a bill to be entitled "An act to amend article 1331, chapter 13, title 30, of the Revised Statutes of Texas of 1895, relating to special verdicts."

(Senator Terrell in the chair.)

By Senator Bailey:

Amend by adding to subdivision 21 (House bill No. 21), the following: "Provided, that all persons, firms or corporations that peddle meat or veg-

etables as an occupation shall pay an occupation tax of \$50 in cities of over 25,000 inhabitants."

Senator Colquitt urged the same objection to this amendment as to the preceding ones.

Sustained.

Senator Bailey appealed from the ruling of the Chair.

The Chair was sustained.

Pending further action,

Senator Beall moved that the Journal of yesterday, page 125, be corrected to show correctly his motion relative to the reports of the special committee appointed to investigate the facts relative to the "missing amendment" to Senate bill No. 258 (text-book bill).

In the Journal his motion appeared as follows:

"Senator Beall moved that the reports be read and sent up, and that when all were submitted they be printed in the Journal,"

Whereas it should have read as follows: "Senator Beall moved that the reports be read as sent up and laid on the table till all reports were submitted, when they would be placed jointly before the Senate for its consideration."

The correction as above indicated was ordered.

It appearing that the said reports, and the evidence adduced before the said committee, were in the hands of the printer,

On motion of Senator Beall, the same was ordered returned to the Senate.

Resuming consideration of House bill No. 24,

Subdivision 22, read.

Senator Bailey offered to amend as follows:

Add to subdivision 22, page 7, the following: "Provided, however, that this tax shall not be collected where the performances are exhibited in regularly recognized opera houses or theaters, but in lieu of said tax the managers of said opera houses or theaters shall pay an annual occupation tax of \$25."

Adopted.

Subdivisions 23, 24 and 25, read.

By Senator Beall:

Amend subdivision 25 by adding after the word "circus," line 6, page 8, the words "or theater."

Adopted.

Subdivision 26, read.

By Senator Atlee:

Strike out in line 9, page 8, after

"dollars," the following, "payable semi-annually in advance."

Adopted.

By Senator Beall:

Amend subdivision 26 by adding after the word "legerdemain," the following, "not connected with a theater or circus."

Adopted.

Subdivisions 27, 28, 29, 30 and 31, read.

By Senator Ross:

Amend subdivision 31 by adding the following: "Provided, that any wagon yard which has feed stalls, they shall pay 30 cents for each of said stalls."

Lost.

Subdivision 32, read.

By Senator Colquitt:

Amend subdivision 32, page 8, by striking out the word "agents," in line 32, and insert in lieu thereof the words "adjuster of losses."

Adopted.

Subdivision 33, read.

By Senator Ross:

Amend by striking out lines 17 and 18, on page 9.

Adopted by the following vote:

Yeas—14.

Atlee.	Morriss.
Bailey.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Dibrell.	Tillett.
Greer.	Wayland.
Linn of Wharton.	Yett.

Nays—8.

Beall.	Kerr.
Boren.	Stafford.
Colquitt.	Terrell.
Darwin.	Yantis.

Absent.

Goss.	Linn of Victoria.
Gough.	Neal.
Harrison.	Turney.
Lewis.	Woods.

Excused.

Stone.

By Senator Stafford:

Amend subdivision 33, line 12, by striking out "\$7" and insert "\$5."

Adopted.

Subdivisions 34, 35, 36 and 37, read.

By Senator Stafford:

Amend subdivision 37 by striking out "\$75" and insert in lieu thereof "\$50."

Lost.

By Senator Burns:

Line 12, page 10, strike out "\$75" and insert "\$150."

Adopted.

Subdivision 38, read.

By Senator Dibrell:

Amend by striking out subdivision 38 relating to cotton buyers, or buyers of wool or hides.

Lost.

Subdivisions 39 and 40, read.

By Senator Bowser:

Strike out subdivision 40, page 10.

Lost.

By Senator Bailey:

Amend line 25, subdivision 40, page 10, by adding after "vehicles" the words, "washing machines and churns."

Adopted.

Subdivisions 41, 42, 43, 44, 45 and 46, read.

By Senator Yantis:

Amend by striking out the word "thirty-five" in line 21, page 12, and insert instead the words "one hundred."

Lost.

Subdivision 47, read.

By Senator Stafford:

Amend subdivision 47 by striking out "\$150" and insert "\$100."

Lost.

Subdivisions 48 and 49, read.

By Senator Bailey:

Amend subdivision 49 by adding after "each" the following, "and every owner or keeper of any."

Adopted.

Subdivision 50, read.

By Senator Bailey:

Amend subdivision 50, page 13, by striking out "50" and inserting "25."

Adopted.

By Senator Colquitt:

Amend subdivision 50 by inserting after the word "every" the words "manager of a."

Adopted.

By Senator Bowser:

Strike out all of line 13, page 13, after the word "park" and line 14 to and including the word "inhabitants."

Lost by the following vote:

Yeas—12.

Beall.	Lewis.
Bowser.	Linn, Wharton.
Burns.	Morriss.
Darwin.	Presler.
Goss.	Rogers.
Harrison.	Ross.

Nays—13.

Atlee.	Linn, Victoria.
Dibrell.	Stafford.
Colquitt.	Terrell.
Greer.	Tillett.
Kerr.	Turney.

Wayland.
Woods.

Yantis.

Absent.

Bailey.

Neal.

Boren.

Yett.

Gough.

Excused.

Stone.

Subdivision 51, read.

By Senator Stafford:

Amend subdivision 51 by adding after "from" the following, "each owner or keeper of."

Adopted.

Subdivision 52, read.

By Senator Bowser:

Strike out the words "or home-made" in line 18, page 13.

Lost.

By Senator Lewis:

Amend subdivision 52 by striking out all after the words "sold again," in line 18, and insert the following, "an annual tax of \$20."

Lost.

Subdivision 53, read.

By Senator Stafford:

Amend subdivision 53 by adding after "each" in line 26, the following, "owner or manager of every."

Adopted.

Subdivision 54, read.

By Senator Dibrell:

Amend subdivision 54 by striking out said subdivision and substituting in lieu thereof the following: "From every street car company in this State, \$2 per mile on each mile of track owned by said company or corporation."

By Senator Bowser:

Substitute the amendment: Strike out subdivision 54.

Lost.

The amendment (Dibrell's) was then adopted.

Subdivision 55, read.

By Senator Stafford:

Amend subdivision 55 by adding after "each" the following, "owner or manager of every," and the same after "each" in line 5.

Adopted.

At this point the following House message was received:

Hall House of Representatives,
Austin, Texas, June 18, 1897.

Hon. George T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed

Senate bill No. 23, a bill to be enti-

tled "An act to regulate and limit the expenditure of State, county and local public school funds and to regulate treasurers' report thereof."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

It appearing that the above reported bill had passed the House with an amendment, and the message announcing its passage in the House failed to state that an amendment to same had been adopted,

Senator Beall moved that the bill and message be returned to the House for correction.

So ordered.

Subdivision 56 (House bill No. 24), read.

By Senator Colquitt:

Amend subdivision 56, on page 14, by striking out all after the word "charged," in line 8, down to and including the word "otherwise," in line 12.

Adopted.

By Senator Stafford:

Amend subdivision 56 by adding after "from" the following, "each owner or manager of," and strike out "for" in line 9 and insert "from each owner or manager of."

Adopted.

By Senator Dibrell:

Amend subdivision 56, line 7, by striking out the word "telescopic."

Adopted.

Subdivision 57, read.

By Senator Stafford:

Amend subdivision 57 by adding after "from" the following, "each owner or keeper of."

Adopted.

By Senator Dibrell:

Amend section 57 by striking out all after "dollars" in line 17.

Adopted.

Subdivision 58, read.

By Senator Stafford:

Amend subdivision 58 by adding after "from" the following, "each owner, manager or keeper of."

Adopted.

The following House message was received:

Hall House of Representatives,
Austin, Texas, June 18, 1897.

Hon. George T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 23, a bill to be entitled "An act to regulate and limit the

expenditure of State, county and local public school funds, and regulate treasurer's reports thereof."

With amendment.

Respectfully,

LEE J. ROUNTREE,
Chief Clerk House of Representatives.

Senator Beall called up Senate bill No. 23 (see message above), which had passed the House with an amendment, and moved that the Senate concur in said amendment.

Concurred.

Subdivisions 59 and 60 (House bill No. 24), read.

By Senator Stafford:

Amend subdivision 60 by adding after "from" the following, "each owner, manager or keeper of."

Adopted.

Subdivisions 61, 62 and 63, read.

By Senator Stafford:

Amend subdivision 63 by striking out "the sum of \$1000" and insert in lieu thereof "\$10."

Lost.

Senator Greer moved to reconsider the vote by which the amendment was lost.

Carried by the following vote:

Yeas—17.

Atlee.	Linn of Victoria.
Bowser.	Linn of Wharton.
Burns.	Morriss.
Colquitt.	Presler.
Dibrell.	Ross.
Goss.	Stafford.
Greer.	Terrell.
Kerr.	Turney.
Lewis.	

Nays—9.

Beall.	Wayland.
Boren.	Woods.
Darwin.	Yantis.
Harrison.	Yett.
Tillett.	

Absent.

Bailey.	Neal.
Gough.	Rogers.

Excused.

Stone.

The amendment was then adopted.

(Senator Tillett in the chair.)

Subdivision 64, read.

By Senator Linn of Wharton:

Amend by striking out subdivision 64, including line 23, page 15, down to and including line 12, page 16.

By Senator Colquitt:

Substitute the amendment as follows: Amend subdivision 64, on page 16, by striking out the words "2 per

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cent" after the word "State," in line 3, and insert in lieu thereof the words "1 per cent."

Lost by the following vote:

Yeas—12.

Atlee.	Stafford.
Bowser.	Terrell.
Colquitt.	Tillett.
Darwin.	Wayland.
Greer.	Woods.
Harrison.	Yett.

Nays—15.

Beall.	Linn of Wharton.
Boren.	Morriss.
Burns.	Presler.
Dibrell.	Rogers.
Goss.	Ross.
Kerr.	Turney.
Lewis.	Yantis.
Linn of Victoria.	

Absent.

Bailey.	Neal.
Gough.	

Excused.

Stone.

The amendment (Linn's) was then adopted by the following vote:

Yeas—16.

Atlee.	Linn of Victoria.
Beall.	Linn of Wharton.
Burns.	Morriss.
Dibrell.	Presler.
Goss.	Rogers.
Greer.	Ross.
Kerr.	Turney.
Lewis.	Yantis.

Nays—7.

Bowser.	Tillett.
Colquitt.	Woods.
Harrison.	Yett.
Stafford.	

Present, not voting.

Darwin.

Absent.

Bailey.	Neal.
Boren.	Terrell.

Excused.

Stone.

Yeas.	Paired.	Nays.
Gough.	Wayland.	

(This completed the consideration of the bill by subdivisions.)

(Lieutenant Governor Jester in the chair.)

The bill was then considered as a whole.

By Senator Bowser:

Add after the word "merchants," in line 12, page 15, the following, "paying an occupation tax under the provisions of this act."

Lost.

Senator Colquitt moved the previous question on the bill and pending amendments, and included any amendment Senators had prepared and wished to send up.

The motion for the previous question was duly seconded, and prevailed.

Several amendments were sent up and acted on, as follows:

The amendment by Senator Bowser above was lost.

By Senator Lewis:

Amend by striking out all of subdivision 7 of the bill and insert in lieu thereof, "from every auctioneer, an annual tax of \$10."

Adopted.

By Senator Lewis:

Amend subdivision 10, page 4, line 32, by striking out all after the words "commission merchants" and insert in lieu thereof "\$10."

Adopted.

By Senator Lewis:

Amend subdivision 9 by striking out all after the words "ship agents," in line 28, page 4, and insert in lieu thereof, "an annual tax of \$25."

Adopted.

By Senator Lewis:

Amend subdivision 6, page 4, line 10, by striking out all after the words "name called," in line 10, and insert in lieu thereof "an annual tax of \$10."

Adopted.

By Senator Lewis:

Amend by striking out section 61.

Lost.

Amend subdivision 27 by inserting after the word "every" in line 10, the words "person bringing off a."

Adopted.

By Senator Darwin:

Amend subdivision 40 by striking out of line 24 the words "cultivators or other agricultural implements."

Adopted.

By Senator Goss:

Amend by striking out subdivision 14.

Lost.

By Senator Beall:

Add to subdivision 60 the following: "Provided, this tax shall not be assessed when these performances are given inside the grounds of any State or county fair during the time that said State or county fair is giving its annual exhibition."

Adopted.

By Senator Atlee:

Amend subdivision 12, page 5, as follows: Strike out the provisos and in lieu insert the following: "Provided,

that attorneys-at-law shall not be liable for an occupation tax, either State or county, in more than one county, viz., the county of their residence, and if not a resident of any county then in the county or one of the counties where they may practice their profession; provided further, attorneys-at-law from other States, having business temporarily in the State, shall not be liable for such tax."

Lost.

The bill as amended was then passed to a third reading.

On motion of Senator Colquitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—24.

Atlee.	Linn of Wharton.
Beall.	Morriss.
Boren.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Terrell.
Goss.	Tillett.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yantis.

Nays—2.

Bowser.	Harrison.
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Absent.

Bailey.	Neal.
Gough.	Yett.

Excused.

Stone.

Bill read third time, and passed by the following vote:

Yeas—24.

Atlee.	Linn, Wharton.
Beall.	Morriss.
Boren.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Terrell.
Goss.	Tillett.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn, Victoria.	Yantis.

Nays—2.

Bowser.	Harrison.
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Absent.

Bailey.	Neal.
Gough.	Yett.

Excused.

Stone.

On House bill No. 24, occupation tax bill, I vote "no," for the following reasons:

Because the principle of an occupation tax is not sound. A people should be taxed upon their property, or upon their income on their occupation, profession, business, or calling, and not upon the privilege of laboring in an effort to earn a living, regardless of the returns from such effort. No tax based upon an occupation can be made to bear with equal justice upon all alike. One physician may earn in his profession \$20,000 per annum, while another may not make \$500 per annum. One lawyer may earn \$30,000 a year, while another may not be able to decently support his family. One merchant may make \$100,000 per annum, while his competitor fails in business, and so on through the entire list of occupations and callings. Our merchants pay an ad valorem tax to city, county and State on their merchandise investments, and in addition thereto on the building and lot they occupy, and then must compete with competition from the people of other States, who pay no taxes whatever for the privilege of doing business in Texas. The provisions of the bill discriminate against the different classes of people of our own State engaged in the same calling by levying burdens upon them according to population of cities, regardless of the amount of business done. In many instances it exempts the people of towns and cities entirely. Some callings or business which may be classed as legitimate are placed under a prohibitive tax, while other callings of doubtful propriety are taxed inadequately. The principle of levying burdens upon one class of citizens, or of one city or county, while others are exempt from such burdens, can not, in my humble opinion, be too severely condemned; and the precedent set in this, "as well as the fee bill passed at this session," is a most dangerous one. It can result in no good, and establishes a policy that will bring endless strife and contention. If it is just to tax a people in cities of 30,000 inhabitants, it is right to tax the people of cities of 20,000 the same. If we levy a tax upon the people of a city of 5000 inhabitants, it is not right, it is not just, it is not wise, to exempt the people of all the towns and cities of the State of 4900 population and under. I repeat, it will result in endless strife and contention, of bickerings and jealousies, and the larger cities and more

populous counties will not tamely submit to such wrong and injustice, not to say outrage. My sense of right will not permit me to give this measure my support.
BOWSER.

Senator Yantis moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.
Carried.

COMMITTEE REPORTS.

The following committee reports were made:

Committee Room,

Austin, Texas, June 18, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on State Affairs, to whom was referred

House bill No. 23, a bill to be entitled "An act to amend article 1011, of chapter 15, title 27, of the Revised Civil Statutes of the State of Texas, relating to the fees and compensation of the clerks of the Courts of Civil Appeals, and to provide a penalty for the violation of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

BEALL, Chairman.

Committee Room,

Austin, Texas, June 18, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 21, a bill to be entitled "An act to fix the venue and regulate the proceedings in prosecutions for rape,"

And find the same correctly enrolled, and have this day, at 4:20 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, June 18, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 15, a bill to be entitled "An act to amend article 3051, chapter 2, title LVIII, of the Revised Statutes of the State of Texas, giving the Commissioner of Insurance power to examine into the condition of any insurance company of this State, or

any other State, and to revoke the license of such company or companies upon refusal to submit to such examination,"

And find the same correctly enrolled, and have this day, at 4:20 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, June 18, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 17, a bill to be entitled "An act to amend article 1331, chapter 13, title 30, of the Revised Civil Statutes of Texas of 1895, relating to special verdicts,

And find the same correctly enrolled, and have this day, at 4:20 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

EXECUTIVE MESSAGE.

The following message from the Governor was received:

Executive Office,

Austin, Texas, June 18, 1897.

To the Senate and House of Representatives:

The adjournment of the Legislature, now practically at hand, affords a fitting opportunity to state briefly the more important work of the regular and special sessions. Among those measures of public benefit enacted into law to which the Legislature was not publicly pledged are the following:

1. Many measures affecting roads, bridges, schools and other purely local matters.

2. Providing for the acquisition of the battle ground of San Jacinto as commemorative of the heroism of the founders of the State.

3. Corrections of inaccuracies and omissions in the Revised Statutes almost inseparably incident to work of such volume.

4. Protection of the live stock interests by amendment of the Sanitary Commission law; requiring the inspection of sheep for the prevention of scab, and guarding against the spread of glanders in horses.

5. Important land measures, authorizing the Commissioner of the Land Office to forfeit land sales for nonpayment of interest; validation of office forfeitures by the Commissioner; and

validation of land titles where the locations were made under Confederate certificates and sales made of supposed detached and isolated sections, though not such in fact.

6. Measures relating to internal improvements, providing for the condemnation of lands by dock and channel companies; and drainage systems, both of a general character and as applicable specially to public roads.

7. Measures to equalize the burden of taxation by increasing taxes on life insurance companies and other corporations that pay practically no ad valorem taxes.

8. Measures affecting society and the public peace, such as regulating the carrying of concealed weapons; prohibiting the giving or selling of liquor to minors; defining and prohibiting cold storage; prohibiting the sale of immoral publications; expulsion of minors from billiard and pool rooms; prohibiting the sale of deadly weapons to minors; and regulating and taxing the sale of liquor by druggists in prohibition districts.

9. Measures of importance and general interest, such as the regulation of fidelity and surety companies; further protecting the homestead by prohibiting the garnishment of the proceeds of its sale; protecting depositors in the banks; preventing deficiencies in appropriations; publishing exhausted Supreme Court reports; authorizing the Railroad Commission to make emergency freight rates; regulating the practice of dentistry; protection of game; preventing continuances in civil cases except for cause; amending the assessment law so that money, notes, bonds and other property fraudulently sent out of the State on January 1st to evade taxation shall nevertheless be assessed for taxes; amending the Constitution so as to validate county bonds held by the permanent school fund where the school money was used by the counties or inured to their benefit in the construction of jails, bridges and court houses; providing for the adoption of uniform primary textbooks in the public free schools; and drastic laws for the suppression of mob violence.

With one material exception, all the pledges made the people in the Democratic platform have been redeemed, as will appear from the following summary:

1. Express companies are required to maintain general offices in the State.

2. Higher education has been ad-

vanced by enlarging the facilities of the Sam Houston Normal Institute, the Agricultural and Mechanical College and the University.

3. Asylum room which will accommodate 700 additional patients has been provided.

4. The Confederate Home has been improved and material enlargement of its benefits has been arranged.

5. Provision has been made to survey and set apart 50,000 acres of land for a branch university for the colored people.

6. The sale of the remaining public lands has been facilitated in reduction of the price and otherwise, by which, while maintaining the policy of disposing of the land to actual settlers, the school fund should be speedily increased.

7. The benefits of the mechanics' lien have been extended to clerks, accountants, bookkeepers, artisans, craftsmen, factory operatives, servants, quarrymen, farm lands and common laborers.

8. A fellow-servant law has been enacted which gives just protection to railway employes against corporate negligence.

9. Important and radical amendments to the Code of Criminal Procedure have been made, which will sensibly reduce public expenditures and arrest miscarriages of justice.

10. Expenditure of the school fund has been confined more distinctly to strictly school purposes, so that the total school apportionment for the compensation of teachers will be materially greater than heretofore.

11. A comprehensive bill fixing and reducing the fees of district and county officers has been passed, which must challenge public favor. The bill in its general operation affects sixty-three counties, those voting over 3000, but in some respects it operates upon all. With reference to litigants, those having business in the courts, the reduction of fees is not horizontal and many are left unchanged, only those regarded as excessive having been reduced. The reduction of the fees of sheriffs and clerks of the district and county courts paid by litigants will probably average 20 per cent. Conservative estimates place the saving to counties in the limitation feature of the bill at \$40,000 and on collection of taxes at \$25,000 annually. In fees paid by the State, the reduction annually, it is estimated, will be \$5000 in collection of taxes; \$10,000 by restricting the issuance of subpoenas;

\$10,000 cost of attached witnesses; \$10,000 limiting attachment of witnesses before grand juries, and \$50,000 in fees paid sheriffs, attorneys, constables and district clerks in felony cases, aggregating \$85,000 annually. Besides this, the fees of assessors are reduced and the payment by the State and the counties for assessment equalized.

12. The pledge of economy in public expenditures has been fully met in appropriations. The general appropriation bill passed at the special session carries appropriations for two years amounting to \$4,384,855.90. This is \$395,137.49 less than the total appropriations made in the bill which was disapproved at the regular session. But the face of the bill does not fully show the economy which has been exercised. Of the total amount appropriated, \$149,129, money refunded on the Bacon & Graves land suit, paid into the treasury in 1891, can in no just sense be charged to the support of the government for the next two years. If this sum be taken from the aggregate of appropriations, it will leave \$4,235,295.90, which is \$117,000 less than the general appropriation bill for the past two years and \$745,000 less than for the two years ending February 28, 1895. When to this is added \$50,000 heretofore paid out of the available school fund for the support of the Normal Institute and Department of Education, and \$172,000 for the erection of new buildings at the colored asylum, orphans' home, the Agricultural and Mechanical College and the Terrell and San Antonio asylums, aggregating \$220,000, the full measure of retrenchment will be seen.

Looking to the work of both sessions it can be said without extravagance that it has been the fortune of few Legislatures to contribute so much to the general welfare, and for the work done you are entitled to the commendation and gratitude of the people.

C. A. CULBERSON.

HOUSE MESSAGE.

The following message from the House was received:

Hall House of Representatives,
Austin, Texas, June 18, 1897.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 14, a bill to be entitled "An act to amend sections 1069 and 1070 of the Revised Civil Statutes

of the State of Texas, relating to the appointment of special district judges, and to reduce the expense of the State government."

Senate bill No. 20, a bill to be entitled "An act to amend article 3964 of the Revised Civil Statutes of the State of Texas, adopted A. D. 1895, providing for the manner of taking the scholastic census, and repealing article 3965, 3966, 3967, 3968, 3969, 3970 and 3971 of the Revised Civil Statutes of the State of Texas."

House concurrent resolution No. 6, fixing the date of adjournment of the House of Representatives and Senate of the Twenty-fifth Legislature at 10 o'clock a. m., June 20, 1897.

Respectfully,

LEE J. ROUNTREE,
Chief Clerk House of Representatives.

The Chair gave notice of signing, and did sign after their captions had been read,

Senate bill No. 23, entitled "An act to regulate and limit the expenditure of State, county and local funds, and regulate treasurers' reports thereof."

Senate bill No. 20, entitled "An act to amend article 3964 of the Revised Civil Statutes of the State of Texas, adopted A. D. 1895, providing for the manner of taking the scholastic census, and repealing articles 3965, 3966, 3967, 3968, 3969, 3970 and 3971, of the Revised Civil Statutes of the State of Texas."

Senator Beall moved to adjourn to 8:30 p. m. to-night.

Senator Goss moved to adjourn to 9 a. m. to-morrow.

Lost.

The Senate then adjourned to 8:30 p. m. to-night by the following vote:

Yeas—13.

Atlee.	Linn, Wharton.
Beall.	Morriss.
Boren.	Rogers.
Bowser.	Tillett.
Burns.	Turney.
Greer.	Wayland.
Kerr.	

Nays—12.

Colquitt.	Presler.
Dibrell.	Ross.
Goss.	Stafford.
Harrison.	Terrell.
Lewis.	Woods.
Linn, Victoria.	Yantis.

Absent.

Bailey.	Neal.
Darwin.	Yett.
Gough.	

Excused.

Stone.

EVENING SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Presler.
Boren.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Darwin.	Tillett.
Goss.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.
Linn of Wharton.	

Absent.

Bailey.	Linn of Victoria.
Beall.	Morriss.
Dibrell.	Neal.

Excused.

Gough.	Stone.
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Senator Wayland moved that the special committee appointed by the President of the Senate during the regular session of the Twenty-fifth Legislature for the purpose of ascertaining what number of the clerical force of the Senate shall be retained after adjournment of the Legislature to index and superintend the printing of the Senate Journals, be continued as a committee for that purpose, and that they be requested to report at as early a date as practicable.

Carried.

Senator Colquitt, chairman of the special committee above referred to, sent up the following report:

Resolved (1), That the Secretary of the Senate, in order to comply with the provisions of article 4240, Revised Civil Statutes of 1895, be and he is hereby retained after adjournment for the period of forty days, to proof read, superintend printing, index and deliver the Senate Journals, regular and called sessions, to the State printers; said Secretary to receive \$5 per day.

Resolved (2), that the Journal Clerk of the Senate be and he is hereby retained after adjournment for the period of forty days, at \$5 per day, to assist the Secretary in the proper discharge of his duties under the provisions of the foregoing resolution. The Secretary and Journal Clerk shall forward all mail to Senators.

Resolved (3), that the officers retained on duty under these resolutions

be paid out of the appropriation for per diem pay of the members, officers and employes of the first called session of the Twenty-fifth Legislature.

COLQUITT, Chairman.

Pending action on the above report, Senator Lewis moved that consideration of the same be postponed till tomorrow morning after call.

Carried.

Senator Colquitt, on behalf of said committee, offered the following:

Resolved, that all bills remaining in the hands of any member, officer or clerk of the Senate be delivered to the Secretary of the Senate, to be by that officer properly arranged and delivered by him to the Secretary of State.

Adopted.

The Chair laid before the Senate, on second reading,

House bill No. 30, a bill to be entitled "An act to fix the venue and regulate proceedings in prosecutions for murder by mob violence; define and punish murder by mob violence; provide for the suspension and removal of sheriffs, constables, deputy sheriffs, chiefs of police, city marshals and other officers, who knowingly and wilfully permit it; and fix the venue and regulate proceedings in such cases."

Senator Yantis moved that the constitutional rule requiring that bills be read on three several days be suspended, and that the bill be put upon its second reading.

Carried by the following vote:

Yeas—21.

Beall.	Linn of Wharton.
Boren.	Rogers.
Bowser.	Stafford.
Burns.	Terrell.
Colquitt.	Tillett.
Darwin.	Turney.
Goss.	Wayland.
Greer.	Woods.
Harrison.	Yantis.
Kerr.	Yett.
Lewis.	

Nays—3.

Atlee.	Ross.
Presler.	

Absent.

Bailey.	Morriss.
Dibrell.	Neal.
Linn of Victoria.	

Excused.

Gough.	Stone.
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Bill read second time.

(Senator Goss in the chair.)

By Senator Stafford:

Substitute for section 1 the following:

"Section 1. Whenever two or more persons shall combine together for the purpose of mob violence, and in pursuance of said combination shall unlawfully and wilfully take the life of any reasonable creature in being by such violence, such person shall be deemed guilty of murder by mob violence, and upon conviction thereof shall be punished by death or confinement in the penitentiary for life."

By Senator Beall:

Substitute the amendment as follows: Amend by striking out section 1 and insert in lieu thereof the following:

"Section 1. Every person with a sound memory and discretion, who shall knowingly and wilfully kill any reasonable creature in being in this State, or participate in such killing, or aid in any manner therein, when the person so killed is accused or suspected of crime, and is in the custody of an officer or officers of the law by reason thereof, or is taken therefrom and killed, shall be deemed guilty of murder by mob violence, and upon conviction thereof shall be punished by death or confinement in the penitentiary for a period of years not less than five, in the discretion of the jury."

Senator Colquitt moved the previous question on the amendment and substitute therefor, and included in his motion other amendments (by Senators Terrell, Burns and Atlee, to follow below.)

The motion for the previous question was duly seconded, and prevailed by the following vote:

Yeas—16.

Atlee.	Linn of Wharton.
Beall.	Rogers.
Bowser.	Stafford.
Colquitt.	Turney.
Dibrell.	Wayland.
Greer.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Nays—5.

Bailey.	Terrell.
Burns.	Tillett.
Ross.	

Absent.

Boren.	Linn of Victoria.
Darwin.	Morriss.
Goss.	Neal.
Harrison.	Presler.

Excused.

Gough.	Stone.
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The substitute was lost by the following vote:

Yeas—5.

Beall.	Rogers.
Colquitt.	Turney.
Lewis.	

Nays—16.

Atlee.	Ross.
Bailey.	Stafford.
Bowser.	Terrell.
Burns.	Tillett.
Dibrell.	Wayland.
Greer.	Woods.
Kerr.	Yantis.
Linn of Wharton.	Yett.

Absent.

Boren.	Linn of Victoria.
Darwin.	Morriss.
Goss.	Neal.
Harrison.	Presler.

Excused.

Gough.	Stone.
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By Senator Terrell:

Amend (Stafford's amendment) by adding the following: "Provided, nothing in this section shall be so construed as to in any way affect the law in regard to manslaughter as defined in chapter 14, title 15, of the Penal Code of the State of Texas."

Senator Stafford accepted the amendment, and same was adopted.

By Senator Burns:

Substitute the amendment as amended, as follows: Strike out section 1 and insert in lieu thereof the following:

"Section 1. That whenever two or more persons, of sound memory and discretion, acting together, to a common purpose, shall kill any reasonable creature in being in this State, or participate or aid in any manner therein, when the person so killed is accused of crime and by reason of such accusation is killed, or where the person killed is in the custody of officers of the law, or is killed after being taken therefrom, the said two or more persons, so acting together as aforesaid, shall be deemed guilty of murder by mob violence, and upon conviction thereof shall be punished by death or confinement in the penitentiary for a period of years not less than five, in the discretion of the jury."

Lost.

By Senator Atlee:

Substitute the amendment as amended, as follows: Substitute for sections 1 and 2:

"Section 1. Prosecutions for murder committed by mob violence may be commenced by indictment and carried on in any county of the judicial dis-

trict in which the offense is committed, or in any county of the judicial district the judge of which resides nearest the county seat of the county in which the offense is committed; when the judicial district comprises only one county, prosecutions may be commenced and carried on in any adjoining county."

Lost.

The amendment as amended (Stafford's) was then adopted by the following vote:

Yeas—15.

Bailey.	Rogers.
Boren.	Stafford.
Bowser.	Terrell.
Colquitt.	Tillett.
Dibrell.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	

Nays—8.

Atlee.	Linn of Wharton.
Beall.	Ross.
Burns.	Turney.
Greer.	Yett.

Absent.

Darwin.	Morriss.
Goss.	Neal.
Linn of Victoria.	Presler.

Excused.

Gough.	Stone.
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Pending action on passage to third reading,

Senator Greer moved to adjourn to 9 a. m. to-morrow.

Lost by the following vote:

Yeas—10.

Atlee.	Linn of Wharton
Bailey.	Rogers.
Beall.	Ross.
Greer.	Wayland.
Harrison.	Yett.

Nays—13.

Boren.	Lewis.
Bowser.	Stafford.
Burns.	Terrell.
Colquitt.	Tillett.
Dibrell.	Woods.
Kerr.	Yantis.

Absent.

Darwin.	Neal.
Goss.	Presler.
Linn of Victoria.	Turney.
Morriss.	

Excused.

Gough.	Stone.
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Senator Linn of Wharton offered to amend as follows: Amend by striking out sections 1 and 2 of the bill.

Lost by the following vote:

Yeas—6.

Atlee.	Ross.
Harrison.	Tillett.
Linn of Wharton.	Turney.

Nays—15.

Bailey.	Kerr.
Beall.	Rogers.
Boren.	Stafford.
Bowser.	Terrell.
Burns.	Woods.
Colquitt.	Yantis.
Dibrell.	Yett.
Greer.	

Absent.

Darwin.	Morriss.
Goss.	Neal.
Lewis.	Presler.
Linn of Victoria.	Wayland.

Excused.

Gough.	Stone.
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By Senator Greer:

Strike out all of section 1 of the bill down to the words "and upon conviction," and insert in lieu thereof the following: "Every person, with a sound memory and discretion, who shall murder any reasonable creature in being in this State, or participate in such murder, or aid in any manner therein, when the person so murdered is accused of crime and is in the custody of officers of the law, or is taken therefrom by violence and murdered, shall be deemed guilty of murder by mob violence."

Senator Terrell made the point of order that the amendment was not in order, for the reason that when a motion to strike out and insert prevails the matter inserted can not be amended further by striking out and inserting, which this amendment sought to do.

Sustained.

Senator Atlee entered a motion to reconsider the vote by which his substitute for Senator Stafford's amendment (see above) was lost, and had same spread on the Journal.

Senator Tillett entered a motion to reconsider the vote by which Senator Stafford's amendment as amended was adopted, and had same spread on the Journal.

Senator Bowser called up Senate joint resolution No. 1, to encourage manufactories by exempting them from taxation, and asked that same be engrossed.

Senator Atlee moved to postpone consideration indefinitely.

Carried.

Senator Wayland moved to adjourn to 8 a. m. to-morrow.

Senator Bailey moved to adjourn to 9 a. m. to-morrow.

Carried, and the Senate adjourned to 9 a. m. to-morrow.

TWENTY-THIRD DAY.

Senate Chamber,

Austin, Texas, Saturday, June 19.

Senate met pursuant to adjournment:

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Lewis.
Bailey.	Neal.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Stafford.
Colquitt.	Terrell.
Dibrell.	Tillett.
Goss.	Wayland.
Greer.	Woods.
Harrison.	Yantis.
Kerr.	Yett.

Absent.

Boren.	Linn of Wharton.
Darwin.	Morriss.
Gough.	Ross.
Linn of Victoria.	Turney.

Excused.

Stone.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: We thank Thee for the good providence that has been over us during this session; that we have had good health and been able to work and meet the demands upon us. The time is now approaching for a final adjournment, and we will soon be hastening homeward. We pray Thee to protect, guide and accompany each one, and that our future may be usefully spent in Thy service, and the service of humanity. Oh, God, forgive all our sins, pity our many weaknesses, and give us to feel Thy fatherly sympathy; lead safely and wisely in the future, and at last give us an abundant entrance to the home of the pure and good. We ask for Christ's sake. Amen.

Pending reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

On motion of Senator Yantis,

Senator Gough was excused for to-day and to-morrow, on account of sickness in his family.